



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:
Division of Plant Industry
P.O. Box 147100/1911 Southwest 34th Street
Gainesville, Florida 32614-7100
Telephone: (352) 372-3505/Facsimile: (352) 955-2300

May 3, 2006

Regulatory Analysis and Development
USDA, PPD, APHIS, Station 3C71
4700 River Road, Unit 118
Riverdale, Maryland 20737-1238

**Reference: Federal Register Docket No. APHIS-2005-0103
Special Need Requests Under The Plant Protection Act**

To Whom It May Concern:

The Florida Department of Agriculture and Consumer Services, Division of Plant Industry has reviewed the proposed rule on Special Need Requests under the Plant Protection Act and offers the following comments.

First, we appreciate that USDA APHIS is developing procedures for submitting Special Needs Request. This was an important component of the Plant Protection Act, but this component has been ineffectual due to the lack of any procedural guidelines. This was especially problematic as states tried to protect their industries from the inadvertent introduction of *Phytophthora ramorum*. The information that would be required to be included in a request for a Special Need Request such as the biological justification appears to be well thought out and is acceptable to us.

However, it is unacceptable that you are proposing to only consider Special Need Requests following notice in the Federal Register that would include a public comment period. This process takes too long to provide adequate protection for the receiving state. We have previously been advised that it takes a minimum of 180 days to complete the Federal Register process and that is under the best of scenarios. We suggest that a Special Need Request be noticed as an interim rule. Since these requests would be more restrictive than the federal rule, this should be acceptable to your Office of General Counsel. Based on the comments received, the Administrator can make the decision to grant or deny the request and publish this in the Federal Register.

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If the current proposal is implemented, the pest or disease of concern would likely have been introduced or spread into the state with the special need negating the need for the Special Need Request. Thank you for considering our comments and concerns.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



Richard Gaskalla
Division Director

RG/rh



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